

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., :  
JOHN WILEY & SONS, INC., :  
CENGAGE LEARNING INC., AND :  
THE MCGRAW-HILL COMPANIES, INC., :

Plaintiffs, :

-against-

07 Civ. 6914 (GEL)

MANOHAR MARIMUTHU, SHRIHARI :  
SIVASUBRAMANIAM AND RAMKUMAR :  
CHANDRASEKARAN D/B/A RK SELLERS :  
AND JOHN DOE NOS. 1-5, :

Defendants. :

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DECLARATION OF LAURA SCILEPPI IN OPPOSITION  
TO DEFENDANT'S MOTION TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION

LAURA SCILEPPI hereby declares pursuant to 28  
U.S.C. § 1746 that the following is true and correct.

1. I am an associate at the firm of Dunnegan  
LLC, attorneys for plaintiffs Pearson Education, Inc.,  
("Pearson"), John Wiley & Sons, Inc., ("Wiley"), Cengage  
Learning Inc., ("Cengage"), and The McGraw-Hill Companies,  
Inc., ("McGraw-Hill") in this action.

2. I am making this declaration in opposition  
to defendant's motion to dismiss for lack of personal  
jurisdiction.

3. The complaint alleges that defendants have without permission purchased Foreign Editions of plaintiffs' books manufactured outside of the United States and resold them to purchasers in the United States through online sales at [www.abebooks.com](http://www.abebooks.com), using the username RK Sellers.

4. To attempt to determine the extent of defendant's sales of infringing books, plaintiffs served a subpoena on Abebooks, Inc. ("Abebooks") seeking records of sales accounts listing defendant's name or e-mail addresses.

5. In response to the subpoena, Abebooks produced digital documents and the affidavit of John Chase, employee of Abebooks, authenticating the records pursuant to Rule 902 of the Federal Rules of Evidence. A copy of his affidavit is attached as Exhibit A. I have served on defendant a copy of the documents that Abebooks has produced pursuant to the subpoena.

6. I reviewed these Abebooks records to identify defendant's sales to purchasers in New York State. Specifically, I reviewed Abebooks Log CID 51331961, ("CID 51331961"), which will be made available to the Court upon request, and noted the row number indicating a sale to a New York resident.

7. The Abebooks records show that the defendant made sales into New York of 7 books copyrighted by Pearson. A summary of these sales is set forth in Schedule A.

8. The Abebooks records show that the defendant made sales into New York of 6 books copyrighted by Wiley. A summary of these sales is set forth in Schedule B.

9. The Abebooks records show that the defendant made sales into New York of 9 books copyrighted by Cengage. A summary of this sale is set forth in Schedule C.

10. The Abebooks records show that the defendant made sales into New York of 8 books copyrighted by McGraw-Hill. A summary of these sales is set forth in Schedule D.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of January 2008 in New York, New York.

  
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Laura Scileppi

Schedule A  
Defendant's Sales of Pearson Books into New York

<u>Title</u> <u>Date of Registration</u> <u>Registration Number</u>	<u>Source</u> <u>Date of Sale</u> <u>Row Number</u>
Consumer Behavior and Managerial Decision Making November 13, 1998 TX0004889446	CID 51331961 September 7, 2006 77
The Z80 Microprocessor: Architecture, Interfacing, Programming, and Design August 11, 2000 TX0005257129	CID 51331961 September 10, 2006 83
	CID 51331961 August 30, 2007 717
Fundamentals of Management: Essential Concepts and Applications September 6, 2002 TX0005608347	CID 51331961 February 2, 2007 361
Business Ethics: Concepts and Cases October 31, 2005 TX0006239649	CID 51331961 April 4, 2007 497
Management of Organizational Behavior: Leading Human Resources January 5, 2001 TX0005323917	CID 51331961 May 30, 2007 653
Essentials of Organizational Behavior March 26, 2002 TX0005500538	CID 51331961 June 1, 2007 685

Schedule B  
Defendant's Sales of Wiley Books into New York

Title Date of Registration <u>Registration Number</u>	Source Date of Sale <u>Row Number</u>
Medical Instrumentation: Application and Design May 14, 1998 TX0004737716	CID 51331961 December 11, 2006 227
Chemical, Biochemical and Engineering Thermodynamics April 25, 2006 TX0006328844	CID 51331961 January 18, 2007 311
Fields and Waves in Communication Electronics July 22, 1994 TX0003857813	CID 51331961 February 12, 2007 383
	CID 51331961 February 21, 2007 428
Human Resource Management March 11, 1999 TX0004953831	CID 51331961 May 13, 2007 639
Fundamentals of Human Resource Management August 20, 2004 TX0006013880	CID 51331961 June 6, 2007 704

Schedule C  
Defendant's Sales of Cengage Books into New York

Title Date of Registration <u>Registration Number</u>	Source Date of Sale <u>Row Number</u>
Principles of Biostatistics May 8, 2000 TX0005206416	CID 51331961 August 26, 2006 33
	CID 51331961 August 31, 2006 49
	CID 51331961 September 5, 2006 57
	CID 51331961 October 16, 2006 194
	CID 51331961 January 4, 2007 247
	CID 51331961 January 26, 2007 343
	CID 51331961 February 4, 2007 367
	CID 51331961 February 6, 2007 372
Human Resource Management April 24, 2003 TX0005880745	CID 51331961 June 3, 2007 686

Schedule D  
Defendant's Sales of McGraw-Hill Books into New York

Title Date of Registration <u>Registration Number</u>	Source Date of Sale <u>Row Number</u>
Essentials of Economics March 17, 2006 TX0006323752	CID 51331961 August 21, 2006 14
Adolescence November 21, 1997 TX0004654048	CID 51331961 September 11, 2006 100
Fluid Mechanics: Fundamentals and Applications February 8, 2005 TX0006164685	CID 51331961 January 18, 2007 312
	CID 51331961 January 27, 2007 348
	CID 51331961 January 31, 2007 356
A Topical Approach to Life-Span Development March 17, 2006 TX0006312113	CID 51331961 January 22, 2007 325
Essentials of Investments February 10, 1998 TX0004715420	CID 51331961 March 28, 2007 488
Organizational Behavior: Human Behavior at Work January 11, 1993 TX0003470225	CID 51331961 May 30, 2007 654